The Cochin Newspaper Act Repeal Bill. (contd.)

Mr. E. Ikkanda Warriar *(Urakam)*.—Sir, I move for the further discussion of the Cochin Newspaper Act Repeal Bill.

Mr. C. R. Iyyunni *(Trichur South)*.—I beg to second it.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri)*.—Sir, I rise to a point of order. Whether any motion that was actually before this House, on a previous Session, being passed over, any fresh notice is necessary for considering it again in the next Session.

Deputy President.—That point does not arise at all here. The mover has actually given notice of the motion and it is on the Agenda. That point will arise only if the member in charge of the Bill is not present.

മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ *(Ezhuvas North)*.— സർ, വൃത്താന്തപത്രമാരണ നിയമം ഈ നിയമസഭയിൽ അവതരിപ്പിച്ച സമയം അതിനെ വളരെ ശക്തിയായി എതിത്തവരിൽ ഒരാളാണ് ഞാൻ. ഈ പൂതന അന്ന് ഉത്തരവാദിത്വബോധത്തോടും കർത്തവ്യബോധത്തോടും കൂടി ഇവിടെ വന്നിട്ടുള്ള അനുദ്യോഗസ്ഥ ഭൂരിപക്ഷത്താൽ നിർദ്ദയമായി വധിക്കപ്പെട്ടവളാണ്. കാലവൈപരീത്യത്താൽ വീണ്ടും ഉയിരെടുത്തു കാണ്മാൻ ഇടയായതിൽ ഞാൻ അത്യധികം വ്യസനിക്കുന്നു.

നാട്ടിൻറെയും നാട്ടാരുടേയും അഭിവൃത്തിയുടെ മുമ്പിൽ വിലങ്ങടിച്ചു കിടക്കുന്ന പത്രമാരണ ബില്ലിൻറെ മരണമണി കേൾക്കുവാൻ ആശിക്കാത്തവർ ആരും ഉണ്ടാകയില്ല. നമ്മുടെ വൃത്താന്തപത്രങ്ങൾ സംഘടിതമായ ഒരു കക്ഷിയുടേയോ മറേറാ ആശയങ്ങളെ ഇപ്പോൾ പ്രത്യക്ഷപ്പെട്ടുന്നില്ല. കൊച്ചിയിലെ ഇപ്പോഴത്തെ പത്രനയം ഒരു പ്രത്യേകരീതിയിലുള്ളതാണ്. വൃത്താന്തപത്രങ്ങളുടെ പരമമായ ആദർശത്തെതന്നെ വ്യഭിചരിപ്പിക്കാതെ ഗത്യന്തരമില്ലാതായിരിക്കുന്നു. ഇതര രാജ്യങ്ങളിൽ പത്രനിയമങ്ങൾ സൃഷ്ടിക്കുന്നതു് ഒരു രാഷ്ട്രീയ സംഘടിത കക്ഷിയുടെ വളർച്ചക്കു മാത്രമാണ്. ഇന്നത്തെ കൊച്ചി ഗവൺമെൻറിനു വളർച്ച പ്രാപിച്ചിട്ടില്ലെന്നു പറയുവാൻ മറുപുറത്തുള്ളവർക്കു ഒരിക്കലും ധൈര്യമുണ്ടാകുകയില്ല. നമ്മുടെ പത്രങ്ങൾ ഭരണങ്ങളേയോ, ഭരണക്രമത്തേയോ തകിടംമറിക്കുവാൻ ശ്രമിക്കുന്നില്ല. അവയുടെ പിറകിൽ ഒരു പൊതുജനാഭിപ്രായം ഉണ്ടായിക്കഴിഞ്ഞിട്ടുമില്ല. നല്ല കാര്യങ്ങളിൽ പൊതുജനാഭിപ്രായം സൃഷ്ടിക്കുവാനുള്ള ഒരു എളിയ പരിശ്രമം മാത്രമാണ് നമ്മുടെ പത്രങ്ങൾ നടത്തുന്നതു്. ഗവർമ്മെൻറിൻറെ മുഖക്കണ്ണാടികൾ മാത്രമാണ് നമ്മുടെ പത്രങ്ങൾ. ഈ

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കണ്ണാടികൾ തല്ലിപ്പൊട്ടിക്കുവാൻ ശ്രമിക്കുന്നതു് കാണുമ്പോഴാണു് ഞങ്ങൾ മുഖത്തിന്റെ അഴകിനെക്കുറിച്ചു് സംശയിക്കുവാൻ തുടങ്ങുന്നതു്.

ഇതര രാജ്യങ്ങളിലും ഏതാണ്ടു് ഇവിടെയുള്ളതുപോലെയുള്ള പത്രനിയമങ്ങൾ നടപ്പാക്കീട്ടുണ്ടെന്നോ ഏതെങ്കിലും കാരണത്താലോ തിരുവിതാംകൂർ പത്രമാരണബിൽ നിയമസഭയിൽ തള്ളപ്പെട്ടതിനാലോ ഈ ബിൽ ഉർബ്ബലപ്പെടുത്തുവാൻ പാടില്ലെന്നുള്ള ന്യായം വെറും ബാലിശമാണു്. പൊതുജനസ്വാതന്ത്ര്യത്തേയോ, പൊതുജനക്ഷേമത്തേയോ പരിരക്ഷിക്കുവാൻ പര്യാപ്തമായ ബില്ലുകൾ ഇതര രാജ്യങ്ങളിൽ പാസ്സാക്കീട്ടുണ്ടു് എന്ന ന്യായത്തിന്മേൽ അതുപ്രകാരമുള്ള ബില്ലുകൾ ഇവിടെ പാസ്സാക്കീട്ടില്ലാത്ത സ്ഥിതിക്കു രാജ്യത്തിന്റെ പുരോഗതിയെ മാത്രം ലക്ഷ്യമാക്കി പ്രവൃത്തിച്ച ചില പത്രങ്ങളുടെമേലും ഗവർമ്മെൻറു ഗസറ്റുകളെന്ന അപരാഭിധാനത്താൽ അറിയപ്പെടുന്ന മിതവാദികളെപ്പോലും അരിഞ്ഞരിഞ്ഞു് ഒതുക്കുന്ന ഈ ആയുധം ഇനി വെച്ചിരിക്കുവാൻ പാടില്ല. രാജഭക്തരും, രാജ്യഭക്തരും, പൊതുജനക്ഷേമകാംക്ഷികളും ഇതിനൊരിക്കലും അനുമതി നൽകുന്നതുമല്ല.

ഇന്നത്തെ കൊച്ചിൻപത്രങ്ങൾ വെറും ചിറ്റിക്കളുടേയും, സേവക്കാരുടേയും വൈതാളികരുടേയും ആയിത്തീർന്നിരിക്കുന്നു എന്നു് ഇതര രാജ്യങ്ങളിൽപോലും വളരെ ആക്ഷേപമായിത്തീർന്നിട്ടുണ്ടു്. മാത്രമല്ല, വിദേശപത്രങ്ങൾക്കേ ഇവിടെ സ്ഥാനമുള്ളൂ എന്നും ആയിത്തീർന്നിട്ടുണ്ടു്. രാജ്യവാസികളുടെ അഭിവൃദ്ധിയെ ലക്ഷ്യമാക്കി പ്രവൃത്തിക്കുന്ന ഒരു ഭരണവും ഇങ്ങിനെയുള്ള നിയമം നിലനിറുത്തുകയില്ല. പൊതുജനാഭിപ്രായത്തെ മാനിക്കുന്ന ഒരാളാണെന്നു് ഫ്രാ-ലെ ഒന്നാം റഫ്രോഷൻ ഉർബ്ബലപ്പെടുത്തിയ സംഗതിയിലും തുഗ്ലിവപേത്തർ വൈദ്യുതീകരണ വിഷയത്തിലും കൊച്ചിയിൽ ഉത്തരവാദിത്വഭരണത്തിൽ കൊച്ചീക്കാരെ കാൽ വെപ്പിച്ച സംഗതിയിലും പ്രത്യക്ഷപ്പെടുത്തിയ ഈ ദിവാൻജിയവർകൾ— പൊതുജനാഭിപ്രായ ശ്രേണിയിൽക്കൂടി ഉയർന്ന ഉദ്യോഗപദവിയിൽ എത്തിച്ചേർന്ന സർ ആർ. കെ. ഷൺമുഖത്തിന്റെ ഗവർമ്മെൻറു് അനുഭാവപൂർവ്വം ഈ നിയമവും ഉർബ്ബലപ്പെടുത്തേണ്ടതു് അത്യന്താപേക്ഷിതമാണെന്ന അപേക്ഷയോടുകൂടി ഞാൻ ഈ ബില്ലിനെ ശക്തിയായി അനുകൂലിക്കുന്നു.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Has the Government accepted the motion?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Yes, I am going to accept it, but you will see how it is when I finish my speech.

Now the motion before the House is that the Cochin Newspapers Act, II of 1112, be repealed or be taken away from the statute book. This Act, this House will know, was first introduced as a temporary measure and subsequently placed as a

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permanent measure on the Statute book. The motion now is that there is absolutely no necessity for such an Act to be on our statute book, and that it should be removed at once.

Let us examine whether there is any justification for accepting a motion of such a sweeping and wholesale character as this. The House will see that the motion is not for changing or amending any of the obnoxious provisions in the Bill, if there are any such but to repeal the whole Act.

Mr. V. K. Krishnankutty *(Anthikad).*—The whole is obnoxious.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Yes, that is why the Hon'ble Mover wants the whole Bill itself to be completely changed.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—You have correctly understood.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Let us see how far that attack so far as the provisions of this Bill is concerned can be justified. If I begin to argue on the analogy of what is in existence elsewhere, there will at once be a cry, 'Let us not imitate others'.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Only when they are wrong.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—This measure or rather a measure exactly like this one has been in existence for over twelve years now in our neighbouring State of Travancore. But we thought of introducing this measure only in 1111, as an emergent measure, more than 10 years after such a measure has been in existence in our neighbouring State.

Mr. A. V. Moothedan *(Chalakkudi).*—What was the emergency?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—What was the emergency, I will say, if necessary. Now there is no necessity for it, because this is permanent measure. Though there was such a measure to control the activities of the press in other places prevailing for a long time, this Government did not want to take any action in that matter, and wanted to give the utmost freedom to the press. But when occasions arose, and when the Government found that it was unwise, and would be even foolish to give such freedom anymore especially when some

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of the newspapers in this country were indulging in all sorts of ways to create communal hatred, and to create disaffection against the Government itself, the Government thought it was necessary to introduce a measure here. This was nothing new or novel for it was a measure existing in other places.

Dr. A. R. Menon *(Pallippuram).*—Can you cite one instance where newspapers in Cochin have created communal dissensions?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—There are many.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Will you please give one instance?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—There have been several.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—One instance, please. You have none. Therefore you don't give.

Dr. A. R. Menon *(Pallippuram).*—When you make a serious charge like that you have to substantiate that. You said communal dissensions in the State. Are you able to point out one instance?

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Certainly, there have been instances. Anybody who had been closely following the attacks going on between two newspapers in Trichur, one trying to vie with the other in the matter of creating disaffection, indulging in all sorts of scandalous things which nobody could tolerate.....

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—Will you please point out one instance?

Deputy President.—I want the Hon'ble Member to proceed with his speech.

Dr. A. R. Menon *(Pallippuram).*—Sir, I wish to make a statement.

Deputy President.—Order, order. You may hear him first and then reply. You will allow the Hon'ble Member to go on with his speech without any interruptions. Since you ask him to point out instances, and the Hon'ble Member does not give

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an explanation, the Hon'ble Member must be allowed to continue his speech. I cannot allow such interruptions. You call for information. The Hon'ble Member is not willing to supply that information. The question is put. The Hon'ble Member is not supplying that information. The inference drawn is that there is none to support his statement. On that basis, you should not interrupt the Hon'ble Member.

Dr. A. R. Menon *(Pallippuram).*—Sir, I would not have repeated that question, if he had given an answer. I wanted to call his pointed attention. Are you in a position to substantiate your statement? That is what I said.

Deputy President.—The Hon'ble Member did not reply. That shows that he was not in a position to cite any instance.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—That inference is enough for us.

Mr. K. P Kannan Nayar *(Secretary to Government).*—So far as the question is concerned, the hon'ble member was asking me whether I can point out any instance, any particular article in any particular newspaper which had in fact created disaffection. I may tell him that it would not be possible to categorically answer that question. If one were minded to go through the newspapers of that period when this emergent law was brought into existence, the several newspapers and the several articles that appeared in those newspapers, the assertion that I have been making here that there was really something wrong so far as the press is concerned, will be found true. That was the state of things that existed at that time and Government really thought that no more unfettered freedom which the press was allowed to enjoy till then could be given to it.

Mr. V. K. Krishnankutty *(Anthikad).*—Can you not prosecute under the Penal Code?

Deputy President—Order, Order.

Mr. K. P. Kannan Nayar *(Secretary to Government).*—Now hon'ble members will have to look at the matter in a dispassionate manner and see what the cumulative effect of the several articles that were appearing in several papers which I do not want to mention at present. . . . .

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*—None of them you will mention. Where are we to look for?

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Mr. K. P. Kannan Nayar *(Secretary to Government).*— If the hon'ble members on the other side, think that they alone can have freedom of speech in this house, it is not my fault.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— We are not infringing parliamentary rights.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— But, I do not like to be interrupted like this at each and every stage of my speech. I think hon'ble members were reminded once about this this morning by the hon'ble the President himself and it is for me to implore your mercy to allow me to proceed without being interrupted.

Let me finish my speech. If you think there is any substance in it accept it. If there is not, there is an end of the matter. At least give me freedom to speak without being interrupted.

It was at such a time that the Government thought that some restriction on the freedom of the press was necessary and it was then that this emergent measure was brought into existence.

Mr. T. A. Ramachandra Ayyar *(Nellayi).*—Have not conditions changed now?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Let us see whether they have changed. This measure was in force for a period of six months. Even after that period of six months, Government did not find any change for the better. Government were therefore forced to enact this measure as a permanent measure. This measure has now been in existence for nearly two years now. Let us see how it has been worked. The quality of the pudding is in the eating, I suppose. Let us see how this measure has been worked here. What are its provisions and what are the obnoxious features of this Bill, let us examine that. And with your permission I will proceed to examine the several provisions of this Bill, and try to analyse the various provisions of the act which was characterised by one of the hon'ble members as obnoxious.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— The very idea of the Bill is obnoxious.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Let us see the preamble:—

"Whereas it is expedient to bring under better control the newspapers of Cochin, it is hereby enacted as follows:"

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Then there is the definition clause. Then we come to clause 3. That clause says that "after the bringing into effect of this Act, no newspaper shall be printed or published in Cochin for the printing or publishing of which a license has not been obtained." that probably seems to be the most obnoxious feature of the measure. What this Act says is that hereafter no newspaper shall be published unless a license is taken. So far as the license is concerned, a fee is also prescribed here, the maximum being Rs. 500. For the information of this House, I think it my duty. . . . .

Dr. A. R. Menon (*Pallippuram*).—What is the minimum?

Mr. K. P. Kannan Nayar (*Secretary to Government*).—In fact the minimum is Re. 1. The minimum that we have been levying up till now is Rs. 5 generally.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Even less.

Mr. K. P. Kannan Nayar (*Secretary to Government*).—And the maximum, I think, was levied in the case of one newspaper. Now it will be interesting to know how this Act worked during the 2 and odd years since it has been in existence, how many licenses were taken out in 1111, how many in 1112, how many in 1113, whether this measure which is characterised as obnoxious, one which has been pressing like a heavy burden upon the publishers of newspapers, upon the keepers of presses and so on, has been doing any harm. Hon'ble Members have to see how the measure has been worked in the State. In the year 1111, 32 licenses were issued to various newspapers of the State. In the majority of cases, the fee levied is Rs. 10. In many cases the fee levied is only Rs. 5. In one case it was Rs. 100.

Dr. A. R. Menon (*Pallippuram*).—Which was that newspaper?

Mr. K. P. Kannan Nayar (*Secretary to Government*).—Gomathi.

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—In one case it was Rs. 500.

Dr. A. R. Menon (*Pallippuram*).—Which was that?

Mr. P. Kumaran Ezhuthassan (*Wadakkancheri*).—Keralan.

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Mr. K. P. Kannan Nayar *(Secretary to Government).*— I am speaking of the year 1111. In 1111, 32 licenses were issued to several papers of which it will be seen that a fee of Rs. 100 was levied in the case of one paper and Rs. 500 in the case of another paper and in all other cases invariably a fee of Rs. 10 or a nominal fee of Rs. 5 has been levied. That is what has been done.

Then coming to the year 1112, 10 licenses were issued in that year. In the case of one paper, one 'Prakasam' the maximum fee has been levied, Rs. 500 under this Act. In the case of several others Rs. 10 and in one case Rs. 5.

Dr. A. R. Menon *(Pallippuram).*—What about the paper 'Snehitan'?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Government ordered a payment of fee. He did not pay. He was no 'Snehitan of yours'.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Over and above the numbers in 1111 which are all existing now, in 1112 an additional number of 10 came in and then in the year 1113, up till now five licenses have been issued. The license will continue. It is not to be renewed every year. It continues until the paper stops publication or until it is cancelled by Government.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— What about the five licenses?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Rs. 10 and in one case Rs. 5. That is how this Act has been worked during the last 3 years. Now if the point is that there should be no issue of licenses, that on principle it is wrong to issue a license, I shall come to that question. If it is that some control of the State should be exercised, something will have to be done and it is for that purpose that a section has been introduced that a license should be taken. But in seeing how this provision is worked in actual practice, it will be seen that Government have not been harsh. On the other hand, it has been very lenient as far as almost all the newspapers are concerned.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Has it been discriminating between paper and paper?

Mr. K. P. Kannan Nayar *(Secretary to Government).*— Invariably in most cases a uniform rate of Rs. 10 is levied. In

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the case of magazines which are published once in one or two months a fee of Rs. 5 is levied. In the case of one paper that is published by the ex-depressed class member Mr. Vallon "Harijan", the license fee levied is Re. 1.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Even there, you want Re. 1.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— The Act says Rs. 1 to Rs. 500, the maximum being Rs. 500, so that it will be seen from a perusal of the actual figures that I have now placed before the house, that during the last 3 years no reasonable newspaper or printer could complain that the Act has been used as a grinding-stone to hang heavy upon his head and to prevent publication of a newspaper. Now I heard a remark from an hon'ble member that by the promulgation of this Act, the newspapers here have become '*Vaithalikans*' that is flatterers or sychophants. I think it will be for some of the editors here who are present as members of the house and who have been conducting their newspapers for a long time now, to say whether the introduction of this measure has changed their policy or the policy of any paper so as to make them vile sychophants of the Government.

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— It is a very strategic appeal.

Mr. K. P. Kannan Nayar *(Secretary to Government).*— So long as they are dis-inclined to agree with the said Hon'ble Member, I must assert that it is not a fact and that simply because such a measure has been introduced no paper is given the liberty to express its views.

Dr. A. R. Menon *(Pallippuram).*—Will any paper say that with the Damocles sword hanging over their heads?

Mr. P. Kumaran Ezhuthassan *(Wadakkancheri).*— Do not put our friends into an awkward plight.

The discussion was not over when the House rose for the day at 4-55 p. m.

B. V. KRISHNANKUTTY MENON,

Secretary to the Council.

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